



**CAMBA**  
Legal Services

Melissa Koven, Esq.  
Senior Staff Attorney  
CAMBA Legal Services, Inc.  
885 Flatbush Avenue, 2nd Floor  
Brooklyn, NY 11226  
Phone: 718-940-6311, ext. 79278

VIA ECF

Judge Andrew L. Carter, Jr.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

May 12, 2017

**Re: Plaintiff's agreed to request for an extension of time to file motions for summary judgment**

***Morales v. Kavulich & Associates, P.C., et al, 16-cv-2134-ALC-JLC, SDNY***

Dear Judge Carter:

The undersigned, along with the Law Office of Ahmad Keshavarz, represent Plaintiff in this Fair Debt Collection Practices Act, conversion, and New York General Business Law § 349 case. Per Your Honor's rules, Plaintiff submits this letter to request an extension of time to file the parties' motions for summary judgment. Plaintiff's counsel has conferred with Defendants' counsel, Mr. Pashkin, who has consented to the extension proposed below.

As discussed in Plaintiff's March 13, 2017 letter motion addressed to Your Honor, Judge Cott ordered Defendants to provide additional discovery responses by March 6, 2017, with third-party subpoenas made returnable by April 7, 2017.<sup>1</sup> The information sought in these discovery requests and subpoenas concerned previous cases in which the Kavulich Defendants enforced or attempted to enforce a non-existent or invalid judgment. Subject to Your Honor's approval, Judge Cott also recommended the following motion for summary judgment schedule:

- March 21, 2017: Plaintiff's deadline to file a motion for summary judgment.
- April 21, 2017: Defendants' deadline to file a cross-motion for summary judgment and oppose Plaintiff's motion for summary judgment.
- May 5, 2017: Plaintiff's deadline to file a reply and opposition to Defendants' cross-motion for summary judgment.
- May 15, 2017: Defendants' deadline to file a reply to Plaintiff's opposition.

Plaintiff made one prior request to extend the motion for summary judgment schedule recommended by Judge Cott. In Plaintiff's May 13, 2017 letter motion, Plaintiff's requested

---

<sup>1</sup> The deadlines in Judge Cott's February 13, 2007 Order [DE 57] differ from the deadlines stated herein. Per Defendants' request and Judge Cott's consent, the discovery deadlines and motion schedule were pushed back by one week from their original deadlines [DE 58, 59].



## CAMBA

Legal Services

leave to file a motion for summary judgment, reserve the right to move for punitive damages, and requested a revised motion schedule due to our outstanding discovery issues. We requested, and were granted, the following revised motion schedule:


- May 17, 2017: deadline to file motions for summary judgment.
- June 14, 2017: deadline to file opposition papers.
- June 28, 2017: deadline to file reply papers.

Considering discovery in this case is not yet complete, Plaintiff respectfully requests a second extension. We are still waiting for responses to one of our third-party subpoenas, though we now have a firm date as to when this document production will occur. Plaintiff served a subpoena on Marshal Biegel on March 9, 2017. Marshal Biegel refused to produce documents responsive to our subpoena and we were forced to request a conference with the Court. Pursuant to a conference on May 11, 2017, Judge Cott ordered Marshal Biegel to produce responsive documents by May 19, 2017. Following this production, Mr. Kavulich will have to provide index numbers and captions for the cases referenced in Marshal Biegel's emails. We anticipate being able to send Marshal Biegel's production to Mr. Pashkin by May 26 and Mr. Pashkin has requested that his clients be given three weeks, or until June 16, 2017, to produce the index numbers and captions. Plaintiff's counsel will then need to review any relevant court files. As noted in our previous letter motion, it can take up to six weeks<sup>2</sup> to retrieve archived state court files. Considering this information is important both to Plaintiff's summary judgment motion, as well as Plaintiff's ability to oppose Defendants' motion for summary judgment, we respectfully request the following revised motion schedule:

- August 15, 2017: deadline to file motions for summary judgment.
- September 14, 2017: deadline to file opposition papers.
- September 28, 2017: deadline to file reply papers.

Defendants have consented to this proposed timeline and Plaintiff's counsel has agreed to provide Mr. Pashkin with any court files Plaintiff intends to use in its motion for summary judgment by July 25, 2017.<sup>3</sup>

Sincerely,

  
Melissa Koven, Esq.

---

<sup>2</sup> In Kings County, it takes three months to obtain archived court files. Most of the cases identified thus far are in Bronx County, where it takes up to six weeks to obtain archived files. Plaintiff does not wish to delay this litigation any more than necessary and requests an extension that would allow his counsel to obtain most of the relevant court files prior to filing his motion for summary judgment.

<sup>3</sup> This agreement was made with the understanding that Plaintiff's counsel has no control over when any requested court files will be available for review. However, Plaintiff's counsel has agreed that if we receive any files after July 25 and we plan to reference these files in Plaintiff's motion for summary judgment, we will forward them to Mr. Pashkin as they become available.